JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-4594/01

PROJ	EC	T LOCATION	INFORMATION:						
S	tate	: Texas							
C	our	nty: Galves	ston						
C	ent	er coordinates of	site (latitude/longitud	e):	29 27' 00"N, 94 40' 25"W (NAD27)				
			area (parcel) reviewed						
		ame of nearest waterway: Gulf Intracoastal Waterway							
		e of watershed:	East Galveston Ba						
				,					
JURIS	SDI	CTIONAL DET	TERMINATION						
			op determination		Date:				
		Site vi	-	×	Date(s): 13 July 2005				
		Site VI	511(5)		Date(s). 13 July 2003				
J		sdictional Deter	` '						
		Preliminary JD - United States" at (Reference 33 C	nd/or "navigable water	formation rs of the U	, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable				
D		Approved JD – A Check all that ap		appealable	action (Reference 33 CFR part 331).				
		☑ There are "nather the reviewed are	avigable waters of the a. Approximate size of	United Sta of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.08.				
		There are "wreviewed area. A	raters of the United Sta Approximate size of ju	ites" (as d	lefined by 33 CFR part 328 and associated guidance) within the al area: 0.08.				
		There are "is	solated, non-navigable Decision supported Jurisdiction.	, intra-sta l by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No				
RASIS	3 (1)	F HIDISDICTI	ONAL DETERMINA	TION.					
					-dLl				
Ê		The process of	under 35 CFK part 3	As the abb	vigable waters of the United States":				
L					and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.				
В		Waters defined	under 33 CFR part 3	28.3(a) as	s "waters of the United States":				
L]	(1) The presence	or waters, which are o	currently u	sed, or were used in the past, or may be susceptible to use in				
_	-	interstate or fore	ign commerce, includi	ng all wat	ers which are subject to the ebb and flow of the tide.				
-	4	(2) The presence	of interstate waters in	cluding in	terstate wetlands'.				
L		(3) The presence	of other waters such a	is intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,				
		sandilats, wetian	us, sloughs, prairie po	tnoies, we	t meadows, playa lakes, or natural ponds, the use, degradation or				
		destruction of wi	nich could affect inters	tate comm	nerce including any such waters (check all that apply):				
		(i) which are	e or could be used by 1	nterstate o	or foreign travelers for recreational or other purposes.				
		H (ii) from wh	ich fish or shellfish ar	e or could	be taken and sold in interstate or foreign commerce.				
-	-	(111) which a	re or could be used for	rındustria	l purposes by industries in interstate commerce.				
H			ts of waters otherwise						
H			of a tributary to a wat	er identifi	ed in (1) – (4) above.				
H	4	(o) The presence	of territorial seas.						
		(/) The presence	or wetlands adjacent	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.				
ъ	- 4 •	16 4 5							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The canal is subject to the daily tide of the Gulf Intracoastal Waterway (GIWW), a navigable water of the United States. The wetlands are in close proximity to and therefore adjacent to the GIWW. Additionally, they are located within the 100 year flood zone of the GIWW.

I	ateral F	Extent of Jurisdiction: (Reference: 33 CFR par	. 220 1220	FILE NUMBER: D-4594/01
Ē	Ordi	nary High Water Mark indicated by:		
		clear, natural line impressed on the bank	M 177	gh Tide Line indicated by:
		the presence of litter and debris	-	oil or scum line along shore objects fine shell or debris deposits (foreshore)
		changes in the character of soil	☆	physical markings/characteristics
		destruction of terrestrial vegetation	٦	tidal gages
		shelving	<u> </u>	other:
		other:		
κ.	7 Mars	TU-L W. A. L. B. C.		
Þ	Mear	High Water Mark indicated by:		
	L 31	urvey to available datum; physical markings	; 🛚 vegetation	lines/changes in vegetation types.
	Wetl	and boundaries, as shown on the attached wetlan	nd delineation i	nap and/or in a delineation report prepared by:
B		Not Asserting Jurisdiction:		• • • •
	Ther	eviewed area consists entirely of uplands.		
	Unab	le to confirm the presence of waters in 33 CFR	nart 328(a)(1 : 3	2 or 4.7)
	неаа	quarters declined to approve jurisdiction on the	hasis of 33 CFI	P nort 200 2(a)(2)
L	i ine c	corps has made a case-specific determination the	at the following	g waters present on the site are not Waters of the
	Unite	a states.		
	닏	Waste treatment systems, including treatment	ponds or lagoo	ons, pursuant to 33 CFR part 328.3.
		Authorally irrigated areas, which would rever	t to unland if t	ne irrigation ceased
	Ш	Artificial lakes and ponds created by excavati	ng and/or dikir	or dry land to collect and
		retain water and which are used exclusively for	or such purpose	es as stock watering, irrigation, settling basins, or
		rice growing.		
		Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain	er small ornam	ental bodies of water created
		Water-filled depressions created in dry land in	water for prim	arily aesthetic reasons. In the struction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unabandoned and the resulting bath.	nless and until	the construction or expectation and for
		abandoned and the resulting body of water me	ets the definiti	on of waters of the United States found at 33 CFR
		320.3(a).		
		Isolated, intrastate wetland with no nexus to ir	iterstate comm	erce.
	L	Prior converted cropland, as determined by the	Natural Resor	arces Conservation Service. Explain rationale:
	H	Non-tidal drainage or irrigation ditches excava Other (explain):	ited on dry land	d. Explain rationale:
	_	other (explain).		
DATA	REVIE	WED FOR JURSIDICTIONAL DETERMIN	ATION (mar	ell that apply).
	waps,	plans, plots or plat submitted by or on behalf of	the applicant	k an that apply):
	Data s	heets prepared/submitted by or on behalf of the	applicant	
		his office concurs with the delineation report, da	ted pres	pared by (company):
62	ПП	nis office does not concur with the delineation re	port, dated	, prepared by (company):
M		heets prepared by the Corps.		1 2/
H	Corps	navigable waters' studies:		
ᅜ	U.S. G	eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic maps	1004 51 1	
	U.S. G	eological Survey 7.5 Minute Topographic maps	: 1994 Flake	
靣	U.S. G	eological Survey 15 Minute Historic quadrangle	es:	
×	USDA	Natural Resources Conservation Service Soil S	3. urvev: 1088 <i>C</i> .	alvaton County (Heisel)
\boxtimes	Nation	al wetlands inventory maps: Flake (digital199)	2 nhoto vear)	aveston County (digital)
	State/L	ocal wetland inventory maps:		
⊠	FEMA	/FIRM maps (Map Name & Date): Galveston C	ounty, Panel 12	23. revised 05 July 1993
	100-ye	ar rioodpiain Elevation is: (NGVD)		
M	Aerial	Photographs (Name & Date): TNRIS Flake DO	QQ 1995; TxC	GLO March 2003
H	Otner p	photographs (Date):		
K	Site	ced Identification Wetland maps:		
台	Applie	sit/determination conducted on: 13 July 2005 able/supporting case law:		
×	Other i	nformation (please specific): CESWO DE D. C.	D 4504	
KM	ouici i	nformation (please specify): CESWG-PE-R file	D-4594	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-16936

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29-58-13.128 N

Long: 95-22-39.2798 W

Approximate size of area (parcel) reviewed, including uplands: 73 acres. Name of nearest waterway: Unnamed tributary to Greens Bayou

Name of watershed: Buffalo Bayou-San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 26 August 2005 Date(s): 24 April 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: unknown.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.8 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands have a hydrologic surface connection to an unnamed tributary to Greens Bayou, a navigable water of the United States downstream of the project site. The wetlands are adjacent and are a water of the United States.

FILE NUMBER: D-16936 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation □ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: DCH Environmental **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 9 June 2005, prepared by (company): DCH Environmental This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Aldine, Tex. 1982; Humble, Tex. 1967 U.S. Geological Survey 7.5 Minute Historic quadrangles: Aldine, Tex. 1919; Humble, Tex. 1919 U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County FIRM Panel 460 of 1135 dated 6 November 1996 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 24 April 2005 Applicable/supporting case law:

Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

	ICT OFFICE: CESWG-PE-RC IUMBER: D-17039
Sta Co Ce Ap Na	cct Location Information: ate: Louisiana unty: Vernon Parish nter coordinates of site (latitude/longitude): 31° 08′ 00"N, 93° 16′ 09"W (NAD27) proximate size of area (parcel) reviewed, including uplands: 0.1 acres. me of nearest waterway: An unnamed Tributary of Bayou Castor me of watershed: Lower Sabine
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	risdictional Determination (JD):
Z	Preliminary JD - Based on available information, \square there appear to be (or) \boxtimes there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
20	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
<u>A.</u>	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is for the refinancing of an existing group house. The project is located in an area of urban development. The topographic map does not show any tributaries in the project area and the site is located outside of the 100-year-floodplain.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

T	otonal Entent of Loria Pati (D. C	FILE NUMBER: D-17039
	ateral Extent of Jurisdiction: (Reference: 33 CFR partOrdinary High Water Mark indicated by:	
S	clear, natural line impressed on the bank	High Tide Line indicated by:
	the presence of litter and debris	oil or scum line along shore objects
	changes in the character of soil	fine shell or debris deposits (foreshore)
	destruction of terrestrial vegetation	physical markings/characteristics
	shelving	
	other:	oulci.

	Mean High Water Mark indicated by:	
	survey to available datum; physical markings;	vegetation lines/changes in vegetation types.
	wetland boundaries, as shown on the attached wetlan	d delineation map and/or in a delineation report prepared by:
Ba	Unable to confirm the presence of waters in 33 CFR p Headquarters declined to approve jurisdiction on the b The Corps has made a case-specific determination tha United States: Waste treatment systems, including treatment Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavatin retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain the Water-filled depressions created in dry land ind the purpose of obtaining fill, sand, or gravel un abandoned and the resulting body of water mee 328.3(a). Isolated, intrastate wetland with no nexus to interest the company of the co	passis of 33 CFR part 328.3(a)(3). It the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. It is upland to collect and it is upland to collect and it is upproved as stock watering, irrigation, settling basins, or in small ornamental bodies of water created water for primarily aesthetic reasons. It is upland to construction activity and pits excavated in dry land for less and until the construction or excavation operation is sets the definition of waters of the United States found at 33 CFR it is the commerce. Natural Resources Conservation Service, Explain rationals:
	Other (explain):	ed on dry land. Explain rationale:
	<u> </u>	
DATAI	DEVIEWED FOR HIDOURISMYON A TOTAL	. — .
DATAI	REVIEWED FOR JURSIDICTIONAL DETERMINA	TION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the a	ne applicant.
******	This office concurs with the delineation report, dat	
	This office does not concur with the delineation rep	ed, prepared by (company):
	Data sheets prepared by the Corps.	, prepared by (company):
×	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
M	U.S. Geological Survey 7.5 Minute Topographic maps:	
	U.S. Geological Survey 7.5 Minute Historic quadrangle	s:
	U.S. Geological Survey 15 Minute Historic quadrangles	arepsilon
	USDA Natural Resources Conservation Service Soil Su	rvey:
	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
旨	FEMA/FIRM maps (Map Name & Date): City of Leesv 100-year Floodplain Elevation is: (NGVD)	ille, Louisiana. Vernon Parish, June 2, 1995
各	100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): M1Y DOQQ	
	Other photographs (Date):	
Ħ	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
30	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT	OFFICE:	CESWG-PE-	RC

FILE NUMBER: D-17139

PRO	JE	CT	LO	CA	TI	ON	INF	OR	MA	TI	ON.

State: Louisiana

County: Calcasieu Parish

Center coordinates of site (latitude/longitude): 30° 19' 09"N, 93° 39' 44"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands: acres

Name of nearest waterway: Various tributaries and wetlands adjacent to the Sabine River

Name of watershed: Lower Sabine

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Site visit(s)

Date: 08 September 2005

Date(s):

Jurisdictional Determination (JD):

E .	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Rird Rule Information Sheet for Determination of No.

BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands 1.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is for the installation of new waterlines within the project area. There are numerous tributaries and their adjacent wetlands located within the project area. The tributaries connect to the Sabine River, a navigable water of the United States.

	FILE NUMBER: D-17139
L	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
I.S.	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank High Tide Line indicated by: Oil or scum line along shore objects
	The state of the s
	destruction of terrestrial vegetation tidal gages other:
	other:
3	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.

	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATAI	DEVIEWED FOR HIDGIDICATIONAL PROPERTY.
DATAT	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report dated
	This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company):
圆	Data sheets prepared by the Corps.
図	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
図	U.S. Geological Survey 7.5 Minute Topographic maps:
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
图	National wetlands inventory maps: generated from http://nationalmap.gov
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date): Calcasieu Parish, Louisiana, June 8, 1998
22	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): Starks, Louisiana, 1998
8.3 65	Other photographs (Date): Advanced Identification Wetland maps:
	Advanced Identification Wetland maps: Site visit/determination conducted on:
	Applicable/supporting case law:
	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

FILE NUMBER:	CESWG			
	D-17416			
_	ON INFORMATION:			
_	xas ırris			
· ·	s of site (latitude/longitud	la).	Cir. 1 200	OE! EE!IN OE0 2E! 27!IN
Center coordinate	s of site (fatitude/foligitud	,	2116 1 20 c	05' 55"N, 95° 25' 37"W
				2 03' 46"N, 95° 55' 28"W
				² 53' 13"N, 95° 19' 25"W
				' 52' 47"N, 95° 20' 42"W
				' 47' 16"N, 95° 01' 54"W
				' 47' 50"N, 95° 06' 44"W
A	.		Site 7 29°	48' 24"N, 95° 01' 04"W
Name of nearest w	of area (parcel) reviewed	, including t	iplands: _N	//A
	varerway: Various d: Buffalo/San Jacinto Ri	\/Or		
rance of watershe	u. Dunaio/San Jacinto Ki	vei		
JURISDICTIONAL I	DETERMINATION			
	sktop determination		Date:	09/07/05
Site	e visit(s)		ate(s):	
			` '	
Jurisdictional De	termination (JD):			
Preliminary J	D - Based on available in	formation, [] there ap	pear to be (or) there appear to be no "waters of the
United States	" and/or "navigable water	s of the Uni	ted States"	on the project site. A preliminary JD is not appealable
(Reference 33	3 CFR part 331).			T , II
M Ammound ID	A 1 ID :	1.11		
Approved JD Check all that	- An approved JD is an a	ippealable a	ction (Refe	rence 33 CFR part 331).
Check an that	арргу.			
■ There are	"navigable waters of the	United State	s" (as defir	ned by 33 CFR part 329 and associated guidance) within
the reviewed	area. Approximate size o	f jurisdiction	nal area:	· · · · · · · · · · · · · · · · · · ·
Till m	<i>"</i>			
There are	waters of the United Sta	tes" (as def	ined by 33	CFR part 328 and associated guidance) within the
reviewed area	. Approximate size of jur	risdictional a	area:	 •
There are	"isolated, non-navigable,	intra-state	waters or w	vetlands" within the reviewed area.
	Decision supported	by SWAN(CC/Migrato	bry Bird Rule Information Sheet for Determination of No
	Jurisdiction.	•	•	-y ==== time intermediate short for Determination of 140
BACIC OF HIDIOPIC	mv.o.v			
	TIONAL DETERMINA	TION.		
BASIS OF JURISDIC				
A. Waters define	ed under 33 CFR part 3	29 as "navi	gable wate	rs of the United States":
A. Waters define The presence of	ed under 33 CFR part 33 of waters that are subject to	29 as "navige to the ebb are	nd flow of t	he tide and/or are presently used, or have been used in
A. Waters define The presence of	ed under 33 CFR part 3	29 as "navige to the ebb are	nd flow of t	he tide and/or are presently used, or have been used in
A. Waters define The presence of the past, or ma	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3:	29 as "navig to the ebb ar o transport i 28.3(a) as "	nd flow of t interstate or waters of t	he tide and/or are presently used, or have been used in foreign commerce. he United States":
A. Waters define The presence of the past, or material B. Waters define (1) The present	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use the under 33 CFR part 3: acc of waters, which are continued to the under 3.0 CFR part 3: acc of waters, which are continued to the under 3.0 CFR part 3: acc of waters, which are continued to the under 3.0 CFR part 3: acc of waters, which are continued to the under 3.0 CFR part 3: acc of waters, which are continued to the under 3.0 CFR part	29 as "navigo to the ebb are to transport in 28.3(a) as "urrently used	nd flow of to interstate or waters of to d, or were u	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in
A. Waters define The presence of the past, or material B. Waters define (1) The present interstate or for	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including	29 as "navigate the ebb are to the ebb are to transport in 28.3(a) as "urrently used ag all waters	nd flow of to interstate or waters of to d, or were used which are	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide.
A. Waters define The presence of the past, or ma B. Waters define (1) The present interstate or for (2) The present	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters including the of interstate waters including the contract of the cont	29 as "navigo to the ebb are to transport in 28.3(a) as "aurrently used all waters cluding inter	nd flow of to interstate or waters of to d, or were to which are estate wetlan	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. under the subject to the ebb and flow of the tide.
A. Waters define The presence of the past, or ma B. Waters define (1) The present interstate or for (2) The present (3) The present (3) The present (3)	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of other waters such as	29 as "navigo to the ebb are to transport in transport in the contract of the	waters of t d, or were us which are estate wetlan akes, rivers	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. unds. unds. unds. unds. unds. undflats
A. Waters define The presence of the past, or ma B. Waters define (1) The present interstate or for (2) The present (3) The present sandflats, wetl	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use the under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of of other waters such as lands, sloughs, prairie potters.	29 as "navigo to the ebb are to transport in transport in the contract of the	and flow of to interstate or waters of to d, or were to which are estate wetlant akes, rivers meadows, pl	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. unds ¹ . used; streams (including intermittent streams), mudflats, aya lakes, or natural ponds, the use, degradation or
A. Waters define The presence of the past, or ma B. Waters define (1) The present interstate or for (2) The present (3) The present sandflats, wetly destruction of	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of of other waters such as ands, sloughs, prairie pott which could affect interst	29 as "navigo to the ebb are to transport in the ebb are to transport in the ebb are to trans	waters of t d, or were u which are state wetlandakes, rivers neadows, pl ce includin	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. unds¹. undstates, or natural ponds, the use, degradation or g any such waters (check all that apply):
A. Waters define The presence of the past, or ma B. Waters define (1) The present interstate or for (2) The present (3) The present sandflats, weth destruction of (i) which	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of of other waters such as lands, sloughs, prairie pott which could affect interstate or could be used by in	29 as "navigate the ebb are to the ebb are to transport in the ebb are to transport in the ebb are to transport in the ebb are to the ebb are	waters of t d, or were u which are state wetlandakes, rivers neadows, pl ce includin foreign travi	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used; used; used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. uds².
A. Waters define The presence of the past, or ma B. Waters define (1) The presence of the past, or ma (2) The presence of the past, or ma (3) The presence of the presence of the past, wetled destruction of the past, or make the p	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use the ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of of other waters such as ands, sloughs, prairie pott which could affect interstate or could be used by in which fish or shellfish are in are or could be used for	29 as "navigate the ebb are to the ebb are to transport in the ebb are to transport in the ebb are to transport in the ebb are to the ebb are	waters of t d, or were us which are estate wetlandakes, rivers neadows, pl ce includin foreign trave taken and surposes by	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used; used; used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used; used; used in including intermittent streams), mudflats, aya lakes, or natural ponds, the use, degradation or g any such waters (check all that apply): uselers for recreational or other purposes. used in interstate or foreign commerce. undustries in interstate commerce.
A. Waters define The presence of the past, or ma B. Waters define (1) The presence of the past, or ma (2) The presence of the past, or ma (3) The presence of the presence of the past, wetled the presence of the presence	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of other waters such as ands, sloughs, prairie pott which could affect interstate or could be used by in which fish or shellfish are in are or could be used for ents of waters otherwise of ents of waters otherwise of	29 as "navigate the ebb are to the ebb are to transport in the ebb are to the ebb are t	waters of t d, or were us which are state wetlandakes, rivers neadows, place includin foreign trave taken and surposes by vaters of the	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used; used; used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used;
A. Waters define The presence of the past, or ma B. Waters define (1) The presence of the past, or ma (2) The presence of the past, or ma (3) The presence of the presence of the past, wetled the presence of the past, or make the past,	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of of other waters such as lands, sloughs, prairie pott which could affect interstate or could be used by in which fish or shellfish are in are or could be used for ents of waters otherwise of ce of a tributary to a water	29 as "navigate the ebb are to the ebb are to transport in the ebb are to the ebb are t	waters of t d, or were us which are state wetlandakes, rivers neadows, place includin foreign trave taken and surposes by vaters of the	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used; used; used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used;
A. Waters define The presence of the past, or ma B. Waters define (1) The presence of the past, or ma (2) The presence of th	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of of other waters such as ands, sloughs, prairie pott which could affect interst are or could be used by in which fish or shellfish are in are or could be used for ents of waters otherwise of ce of a tributary to a water ce of territorial seas.	29 as "navigate the ebb are to the ebb are to transport in the ebb are to	waters of t d, or were us which are state wetlandakes, rivers neadows, place including oreign travet taken and surposes by raters of the in (1) – (4)	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used; used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used; used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used in clauding intermittent streams), mudflats, aya lakes, or natural ponds, the use, degradation or g any such waters (check all that apply): ulers for recreational or other purposes. sold in interstate or foreign commerce. industries in interstate commerce. US. above.
A. Waters define The presence of the past, or ma B. Waters define (1) The presence of the past, or ma (2) The presence of th	ed under 33 CFR part 3: of waters that are subject to ay be susceptible for use to ed under 33 CFR part 3: ace of waters, which are coreign commerce, including the of interstate waters include of of other waters such as ands, sloughs, prairie pott which could affect interst are or could be used by in which fish or shellfish are in are or could be used for ents of waters otherwise of ce of a tributary to a water ce of territorial seas.	29 as "navigate the ebb are to the ebb are to transport in the ebb are to	waters of t d, or were us which are state wetlandakes, rivers neadows, place including oreign travet taken and surposes by raters of the in (1) – (4)	he tide and/or are presently used, or have been used in foreign commerce. he United States": used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used; used; used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. uds¹. used;

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

UMBER: D-17416 Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): . This office does not concur with the delineation report, dated, prepared by (company): . Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Various, See file J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Actional wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: Define photographs (Name & Date): Other photographs (Name & Date): Other photographs (Name & Date): Dividence Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Project Site photos

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: FILE NUMBER:		Galveston D-17418		
Sta Co Cer Ap Na:	unty: Harris	te (latitude/longitud a (parcel) reviewed	, including ttle Cypre	30° 01′ 20″N, 95° 45′ 49″W g uplands: _N/A acres. ess Creek
	DICTIONAL DETE mpleted: Desktop of Site visit(determination	⊠ ⊡	Date: 8/25/05 Date(s):
Jui	isdictional Determi	nation (JD):		
	Preliminary JD - Ba United States" and/ (Reference 33 CFR	or "navigable water	formation rs of the U	n, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×	Approved JD – An Check all that apply		appealable	e action (Reference 33 CFR part 331).
	There are "navi the reviewed area.	gable waters of the Approximate size o	United St	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are "water reviewed area. App	ers of the United Sta proximate size of ju	ites" (as o	defined by 33 CFR part 328 and associated guidance) within the al area:0.48-acres
		ated, non-navigable Decision supported Jurisdiction.	, intra-sta I by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
	The presence of wat	der 33 CFR part 3 ters that are subject	29 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B. ■	(1) The presence of	waters, which are commerce, including	currently u	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. uterstate wetlands ¹ .
	(3) The presence of sandflats, wetlands, destruction of which [in which are on its condition in the conditio	other waters such a sloughs, prairie poon a could affect inters a could be used by in a fish or shellfish are	is intrastat tholes, we tate comm nterstate of or could	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.
	(4) Impoundments of(5) The presence of(6) The presence of	of waters otherwise a tributary to a wate territorial seas.	defined as er identifi	Il purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above. vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary to Little Cypress Bayou and Cypress Bayou to Spring Creek to San Jacinto River, a navigable water of the United States.

FILE NUMBER:

D-17418

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
⊠ Bei	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: rg Oliver, Inc.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Oliver, In	This office does not concur with the delineation report dated
	Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Hockley, 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FEMA Floodplain Maps, 480287 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): B&W, 2002 Other photographs (Date): Site photos Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17435

	PR	OJECT	LOCAT	ION INF	ORMATION
--	----	-------	-------	---------	----------

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

29° 53' 21"N, 95° 41' 42"W

Approximate size of area (parcel) reviewed, including uplands: 189.9 acres.

Name of nearest waterway: Langham Creek Name of watershed: Addicks Reservoir

JURISDICTIONAL DETERMINATION

Jurisdictional Determination (JD):

4	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	 ☑ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☑ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
237	The presence of waters that are subject to the abb and flow of the tide and/or are presently used or

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands sloughs prairie notheles wet meadows plays lakes or natural pends the use degradation or

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- $\overline{\boxtimes}$ (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Langham Creek flows into Addicks Rservoir, which flows into Buffalo Bayou which, downstream, is navigable and subject to the ebb and flow of the daily tide

Las	torol Entent of Invital Alice (D. C. 22 CPD 222 CPD 223 CPD 22
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank High Tide Line indicated by: Oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages
	shelving other:
	other:
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Northrup Associates
Ras	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce.
	Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
X X	Maps, plans, plots or plat submitted by or on behalf of the applicant.
M	Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated June 2005, prepared by (company): Northrup
Associate	S
	Data sheets prepared by the Corps. Corps' navigable waters' studies:
ă	U.S. Geological Survey Hydrologic Atlas:
\boxtimes	U.S. Geological Survey 7.5 Minute Topographic maps: 1982 Cypress
X	U.S. Geological Survey 7.5 Minute Historic quadrangles: 1918 Cypress
	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris Co.
	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)
\boxtimes	Aerial Photographs (Name & Date): • 2002, 2001 Color Photos; 1989, 1976, 1969, 1944 Black and White Aerial
	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on: 17 August 2005 Applicable/supporting case law:
	Other information (please specify): Letter of Map Revision for Langham Creek

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17452

\mathbf{n}	α ideas	1001	TITORI	INFORM	
РΚ		1111			

State:

TX

County: Harris

Center coordinates of site (latitude/longitude):

29° 36′ 12"N, 95° 01′ 48"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Taylor Bayou

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 09/07/05

Date(s): 07/28/05

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Material There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (2) The presence of interstate waters including interstate wettands.

 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are wetlands within the area of "expected high flow" of Taylor Bayou a navigable water of the US

La	Ordinary High Water Mark indicated by:
E CO	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<u> </u>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 17 August 2005, prepared by (company): Crouch Environ. This office does not concur with the delineation report, dated 7, prepared by (company): Crouch Environ. This office does not concur with the delineation report, dated 7, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Histor

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17455

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

29 43'30"N 95 06'53"

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Patric Bayou, East Fork Patric Bayou & Tucker Bayou

Name of watershed: Buffalo Bayou

Site visit(s)

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 29 Agust 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the or the there appear to be no "waters of the or th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Market There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
- (2) The presence of interstate waters including interstate wettings.

 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Patric Bayou is navigable, East Fork Patrick Bayou and Tucker Bayou flow into Buffalo Bayou a navigable water subject to the ebb and flow of the daily tide.

La:	teral Extent of Jurisdiction: (Reference: 33 CFR parts 32) Ordinary High Water Mark indicated by:	8 and 329) High Tide Line indicated by:				
	clear, natural line impressed on the bank	oil or scum line along shore objects				
	the presence of litter and debris	fine shell or debris deposits (foreshore)				
	changes in the character of soil destruction of terrestrial vegetation	physical markings/characteristics				
	shelving	tidal gages other:				
	other:	U outer.				
E	Mean High Water Mark indicated by:					
	☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.				
	Wetland boundaries, as shown on the attached wetland de	lineation map and/or in a delineation report prepared by:				
	sis For Not Asserting Jurisdiction:					
	The reviewed area consists entirely of uplands.	200()/(10, 10, 10, 10, 10, 10, 10, 10, 10, 10,				
	Unable to confirm the presence of waters in 33 CFR part 3 Headquarters declined to approve jurisdiction on the basis	128(a)(1, 2, or 4-7).				
	The Corps has made a case-specific determination that the	e following waters present on the site are not Waters of the				
-	United States:	ronowing waters present on the site are not waters of the				
	Waste treatment systems, including treatment pone	ds or lagoons, pursuant to 33 CFR part 328.3.				
	Artificially irrigated areas, which would revert to					
	Artificial lakes and ponds created by excavating an	id/or diking dry land to collect and				
	rice growing.	ch purposes as stock watering, irrigation, settling basins, or				
	Artificial reflecting or swimming pools or other sn	nall ornamental bodies of water created				
	by excavating and/or diking dry land to retain water	er for primarily aesthetic reasons.				
	Water-filled depressions created in dry land incide	ntal to construction activity and pits excavated in dry land for				
	abandaned and the resulting body of water meets t	s and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR				
	328.3(a).	definition of waters of the Officed States found at 33 CFR				
	Isolated, intrastate wetland with no nexus to inters					
	Prior converted cropland, as determined by the Na	tural Resources Conservation Service. Explain rationale:				
	☐ Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry land. Explain rationale:				
DATAD	DEVIEWED FOR HURSINGTIONAL DETERMINATION					
DATA N	REVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the	ON (mark all that apply):				
<u>X</u>	Data sheets prepared/submitted by or on behalf of the appl	icant.				
	This office concurs with the delineation report, dated	, prepared by (company):				
67	This office does not concur with the delineation report	t, dated , prepared by (company):				
<u>r</u>	Data sheets prepared by the Corps. Corps' navigable waters' studies:					
	U.S. Geological Survey Hydrologic Atlas:					
逐	U.S. Geological Survey 7.5 Minute Topographic maps: 19	95 La Porte				
	U.S. Geological Survey 7.5 Minute Historic quadrangles:					
	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey					
	National wetlands inventory maps:	y.				
	State/Local wetland inventory maps:					
S	FEMA/FIRM maps (Map Name & Date):					
	100-year Floodplain Elevation is: (NGVD)					
	Aerial Photographs (Name & Date): 2004 Aerial Photo Other photographs (Date):					
	Advanced Identification Wetland maps:					
	Site visit/determination conducted on:					
	Applicable/supporting case law:					
×	Other information (please specify): Galveston District Nav	igation Study.				
/	Guan M. K					
	Visa III E					

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17456

	PRO	JECT	LOCA	TION	INFORM	MATION:
--	-----	------	------	------	--------	---------

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

30 01'22"N 94 07'22"W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Hildebrandt Bayou Hildebrandt Bayou Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 29 Augsut 2005

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La Z	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: in section oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
3	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
围	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA R	CEVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Beaumont East U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: 1999 Beaumont East State/Local wetland inventory maps: 1999 Beaumont East State/Local wetland inventory maps: Digital Q3 Jefferson County 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N	ICT OFFICE: CESWG IUMBER: D-17655
	CCT LOCATION INFORMATION: ate: Texas
Co	ounty: Jefferson
Ap Na	nter coordinates of site (latitude/longitude): 30° 06′ 45″N, 94° 08′ 44″W proximate size of area (parcel) reviewed, including uplands: 12-ac me of nearest waterway: Neches River
Na	me of watershed: Lower Neches
	DICTIONAL DETERMINATION mpleted: Desktop determination
	Site visit(s) Date(s):
Jui	risdictional Determination (JD):
₽	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.
固	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats
	sandilats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.
	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	NUMBER: D-17655
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by: High Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris denosits (foreshore)
	The short of deoris deposits (foreshore)
	death still a feet at 1
	destruction of terrestrial vegetation tidal gages shelving other:
	shelving
	one.
	Mean High Water Mark indicated by:
-	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	wegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction:
X	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7)
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328 3(a)(3)
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	320.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Outer (explain).
DATAD	EMEMED FOR HIROTOGRAM A REPORT
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant.
222	
	Inis office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company):
Ŋ	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
IJ ⊠ ⊡	U.S. Geological Survey 7.5 Minute Topographic maps: Beaumont West, 1989
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
	State/Local wetland inventory maps:
×	FEMA/FIRM maps (Map Name & Date): FEMA Panel 4854570035B, May 1998
H	100-year Floodplain Elevation is:
	Aerial Photographs (Name & Date): Jefferson County Drainage District, 2001
	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
ا لاها	Other information (please specify): Consultant's information

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17662

PROJI	CCT LOCATION INFORMATION:
St	ate: Texas
	ounty: Calhoun
Ce	nter coordinates of site (latitude/longitude): 28 13' 56"N, 96 43' 36"W (NAD27)
Αŗ	proximate size of area (parcel) reviewed, including uplands: 1.19 acres.
Na	me of nearest waterway: San Antonio Bay
Na	me of watershed: East San Antonio Bay
	DICTIONAL DETERMINATION
Co	mpleted: Desktop determination Date: 08 September 2005 Site visit(s) Date(s):
	Site visit(s) Date(s):
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the present the control of th
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

M	
	Check all that apply:
	NOT THE REAL PROPERTY OF THE P
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jurisdictional area: 1.19 acres.
	77 Thomas Wardows Col. 11 'c 10' c 1
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdictional area: 1.19 acres.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
	Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No
	Jurisdiction.
BASIS	OF JURISDICTIONAL DETERMINATION:
<u>A.</u>	
\boxtimes	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.
<u>B.</u>	
Ø	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
片	(4) Impoundments of waters otherwise defined as waters of the US.
員	 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.
뷻	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.
LESS.	(1) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: San Antonio Bay is a navigable water of the United States.

1. 1

2 FILE NUMBER: D-17662 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: aerial photograph other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1983 Panther Point U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

П

100-year Floodplain Elevation is:

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

(NGVD)

Aerial Photographs (Name & Date): TNRIS Panther Point DOQQ, 1995

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17681

PROJECT LOCATION INFORMATION:

State:

tx harris

County:

Center coordinates of site (latitude/longitude):

29° 41' 11"N, 95° 02' 22"W

Approximate size of area (parcel) reviewed, including uplands: 0.04 acres.

Name of nearest waterway: San Jacinoto Bay Name of watershed: North Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 9/8/05

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \text{(or)} \times there appear to be no "waters of the" United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

I	ateral]	Extent of Jurisdiction: (Reference: 33 CFR parts 328	and 32	9)	TIBETTOMBER.
	Ord	inary High Water Mark indicated by:			Tide Line indicated by:
		clear, natural line impressed on the bank		ヿ゙	oil or scum line along shore objects
		the presence of litter and debris	Ì	╗	fine shell or debris deposits (foreshore)
	Ш	changes in the character of soil	Ī		physical markings/characteristics
		destruction of terrestrial vegetation	Ī	Ħ	tidal gages
		shelving	ř	Ŧ.	other:
		other:	_	_	
Z	s	n High Water Mark indicated by: survey to available datum; physical markings; ve			
	weti	land boundaries, as shown on the attached wetland deli	neation	m	ap and/or in a delineation report prepared by:
Ba	The r Unab Head The (Unite	root Asserting Jurisdiction: reviewed area consists entirely of uplands. ole to confirm the presence of waters in 33 CFR part 32 lquarters declined to approve jurisdiction on the basis of Corps has made a case-specific determination that the fed States: Waste treatment systems, including treatment ponds Artificially irrigated areas, which would revert to up Artificial lakes and ponds created by excavating and retain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water water-filled depressions created in dry land incidentate the purpose of obtaining fill, sand, or gravel unless an abandoned and the resulting body of water meets the 328.3(a).	f 33 CF following or lago land if if or diki purpos Il ornan for prinal to cound until definit	FR on the ing ses mer mar inst	part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or ntal bodies of water created illy aesthetic reasons. ruction activity and pits excavated in dry land for e construction or excavation operation is a of waters of the United States found at 33 CFR
	\boxtimes	Isolated, intrastate wetland with no nexus to interstate	e comm	ner	ce.
	_	Prior converted cropland, as determined by the Natur	ai Keso	our	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on Other (explain):	dry lan	ıd.	Explain rationale:
	Data sl	WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the application of the application of the application of the concurs with the delineation report, dated his office does not concur with the delineation report, defects prepared by the Corps.	plicant. nt.	-na	red by (company): TransSyctems
	Corps'	navigable waters' studies:			
巡	U.S. G	eological Survey Hydrologic Atlas:			
逐	U.S. G	eological Survey 7.5 Minute Topographic maps:			
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:			
	U.S. G	eological Survey 15 Minute Historic quadrangles:			
M	USDA	Natural Resources Conservation Service Soil Survey: I	harris c	ou	ntv
2	Nationa	al wetlands inventory maps:		- 44	
	State/L	ocal wetland inventory maps:			
	FEMA/	/FIRM maps (Map Name & Date):			
I	100-yea	ar Floodplain Elevation is: (NGVD)			
Ø	Aerial I	Photographs (Name & Date): 2004			
Ø	Other p	photographs (Date):			
	Advanc	ced Identification Wetland mans:			
	Site vis	it/determination conducted on:			
Ħ	Applica	able/supporting case law:			
	Other in	nformation (please specify):			
2000000		· · · · · · · · · · · · · · · · · · ·			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17682

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Jefferson

Center coordinates of site (latitude/longitude):

Lat: 30.06.39 Long: 94.19.50

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Pine Island Bayou

Name of watershed: Sabine Lake

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 September 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear the limit there appear the limit there appear the limit the limit the limit there appear the limit United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Marker are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters including interstate wettations.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The applicant provided pictures, MWI Map, Fema Map, and a USGS map. The applicant's proposed project does not consist of placing fill material into a Water of the U.S.

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
E	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
B	Unable to confirm the presence of waters in 33 CFR part 328(a)(1.2 or 4-7)
DATA NAME OF THE PROPERTY OF T	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: China, NW 1995 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Dealogical Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic puadrangles: U.S. Geological Survey 18 Minute Historic puadrangles: U.S. Geological Survey 19 Minute Historic puadrangles: U.S. Geological Survey 19 Minute Historic puadrangles: U.S. Geological Survey 10 Minute Historic puadrangles: U.S

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17690

FILE N	NUMBER: D-17690
Sta Co Ce Ap Na	Act: Texas Deproximate size of area (parcel) reviewed, including uplands: 0.2 acres. Texas Deproximate size of area (parcel) reviewed, including uplands: 0.2 acres. Texas Texas Lat: 30.00.49 Long: 95.24.01 Deproximate size of area (parcel) reviewed, including uplands: 0.2 acres. Texas Texas Lat: 30.00.49 Long: 95.24.01 Deproximate size of area (parcel) reviewed, including uplands: 0.2 acres. Texas T
JURISI Co	DICTIONAL DETERMINATION ompleted: Desktop determination Date: 6 September 2005 Site visit(s) Date(s):
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
2040045	destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection

(i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

determination:

FILE	NUMBER:	D-17690
------	---------	---------

	ateral E	Extent of Jurisdiction: (Reference: 33 CFR parts 32	28 and 3	329)
Ŀ	Ordi	nary High Water Mark indicated by:		High Tide Line indicated by:
	Ц	clear, natural line impressed on the bank		oil or scum line along shore objects
	Ц	the presence of litter and debris		fine shell or debris deposits (foreshore)
		changes in the character of soil		physical markings/characteristics
		destruction of terrestrial vegetation		tidal gages
		shelving		other:
	Ш	other:		
	Man	TILL WAS A COLUMN		•
L	Mean	High Water Mark indicated by:	1 .	
	ال ال	urvey to available datum; 🔲 physical markings; 🗀	j vegeta	ation lines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached wetland d	elineati	tion map and/or in a delineation report prepared by:
Ba		Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part quarters declined to approve jurisdiction on the basi	328(a)(s of 33)(1, 2, or 4-7). 3 CFR part 328 3(a)(3)
		Corps has made a case-specific determination that the d States:	e follov	owing waters present on the site are not Waters of the
		Waste treatment systems, including treatment por	nds or la	lagoons nursuant to 33 CER part 328 3
		Artificially irrigated areas, which would revert to	upland	d if the irrigation ceased.
		Artificial lakes and ponds created by excavating a	nd/or d	diking dry land to collect and
		retain water and which are used exclusively for su	ich purp	rposes as stock watering, irrigation, settling basins, or
		rice growing. Artificial reflecting or swimming pools or other st	mall orr	rnamental hodies of water created
	_	by excavating and/or diking dry land to retain wat	er for p	primarily aesthetic reasons.
		Water-filled depressions created in dry land incide	ental to	o construction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unles	s and ur	until the construction or excavation operation is finition of waters of the United States found at 33 CFR
	П	Isolated, intrastate wetland with no nexus to inters	tate cor	ommerce
		Prior converted cropland, as determined by the Na	itural R	Resources Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated	on dry	v land Explain rationale:
		Other (explain):		2. p. a. i.
DATA I	REVIE	WED FOR JURSIDICTIONAL DETERMINAT	ION (n	mark all that apply):
\bowtie	Maps,	plans, plots or plat submitted by or on behalf of the	applica	cant.
B	Data s	heets prepared/submitted by or on behalf of the app		
		his office concurs with the delineation report, dated	,	, prepared by (company):
F	Data al	his office does not concur with the delineation repor	t, dated	d , prepared by (company):
	Data si	heets prepared by the Corps.		
불	Corps	'navigable waters' studies:		
8	U.S. G	eological Survey Hydrologic Atlas:		
昌	U.S. G	eological Survey 7.5 Minute Topographic maps: eological Survey 7.5 Minute Historic quadrangles:		
ä	U.S. G	eological Survey 1.5 Minute Historic quadrangles:		
層	LISDA	Natural Resources Conservation Service Soil Survey		
局	Nation	al wetlands inventory maps:	zy.	
局		Local wetland inventory maps:		
面		/FIRM maps (Map Name & Date):		
	100-ye	ar Floodplain Elevation is: (NGVD)		
	Aerial	Photographs (Name & Date):		
	Other p	photographs (Date):		
	Advand	ced Identification Wetland maps:		
	Site vis	sit/determination conducted on:		
		able/supporting case law:		
团	Other is	nformation (please specify):		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17697

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: .05 acres.

29.5425N; 95.0778W

Name of nearest waterway: Clear Creek Name of watershed:

Clear Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 9 Sep 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.05 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
8	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
3	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Deological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadran

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17702

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

Lat: 29.44.03 Long: 94.22.34

Approximate size of area (parcel) reviewed, including uplands: 0.017 acres.

Name of nearest waterway: Unnamed Tributary to Spendletop Ditch

Name of watershed: East Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 8 September 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Per the USGS maps, there is a unnamed tributary that flows along a road side ditch before it inters another unnamed tributary, whitch intersects with the Spendletop Ditch.

τ.	Attack to the state of the stat	FILE NUMBER: D-17702
L:	ateral Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329)
	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank	High Tide Line indicated by:
	the presence of litter and debris	oil or scum line along shore objects
	changes in the character of soil	fine shell or debris deposits (foreshore)
	destruction of terrestrial vegetation	physical markings/characteristics
	shelving	tidal gages
	other:	other:
-	_	
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings;] vegetation lines/changes in vegetation types.
		delineation map and/or in a delineation report prepared by:
	, and the second of the second	report prepared by:
Ba	sis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR par	1 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the bas	is of 33 CFR part 328 3(a)(3)
	The Corps has made a case-specific determination that t	the following waters present on the site are not Waters of the
	Sinted States.	
	Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to	upland if the irrigation ceased.
	- Ponds ordated by excavating	and/or diking dry land to collect and
	rice growing.	uch purposes as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other s	email ornamental hadiaa afaasta aasta t
	by excavating and/or diking dry land to retain wa	ter for primarily aesthetic reasons
	Water-filled depressions created in dry land incid	lental to construction activity and pits excavated in dry land for
	une purpose of obtaining fill, sand, or gravel unle	SS and until the construction or excavation operation is
	abandoned and the resulting body of water meets	the definition of waters of the United States found at 33 CFR
	328.3(a).	
	Isolated, intrastate wetland with no nexus to inter	state commerce.
	Prior converted cropland, as determined by the N	atural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated	on dry land. Explain rationals:
	Other (explain):	on dry land. Explain fationale.
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINAT	TON () I WALL TO SEE THE SECOND SECO
Ø	Maps, plans, plots or plat submitted by or on behalf of the	ION (mark all that apply):
B	Data sheets prepared/submitted by or on behalf of the app	appneam. Jicant
***************************************	☐ This office concurs with the delineation report, dated	prepared by (company):
Manage	Inis office does not concur with the delineation report	t, dated , prepared by (company):
	Data sheets prepared by the Corps.	, propuled by (company).
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
×	U.S. Geological Survey 7.5 Minute Topographic maps: St	anolind Reservoir
	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	U.S. Geological Survey 15 Minute Historic quadrangles:	
8	USDA Natural Resources Conservation Service Soil Surv National wetlands inventory maps:	∂y :
	State/Local wetland inventory maps:	
黃	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: CESWG UMBER: SWG-05-14-019
Sta Cor Cer App Nar	CT LOCATION INFORMATION: te: Texas unty: Brazoria nter coordinates of site (latitude/longitude): 29° 11' 58" N, 95° 09' 01" W proximate size of area (parcel) reviewed, including uplands: 3.0 acres. me of nearest waterway: Chocolate Bay me of watershed: Huc Code: 12040204, West Galveston Bay
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potables, wet meadows, place lakes, or network mands the west days days and the west days are the west

ughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are contiguous with and therefore adjacent to Chocolate Bay a navigable water of the United States subject to the ebb and flow of the tide.

FILE NUMBER: SWG-05-14-019

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Andrew Williams.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated 25 August 2005, prepared by (company): BEI ☐ This office does not concur with the delineation report, dated 2, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Hoskins Mound, Texas Quadrangle U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Data Abatural Resources Conservation Service Soil Survey: National wetlands inventory maps: Hoskins Mound, Texas Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 18 August 2005 Applicable/supporting case law: Other information (please specify): Deparment of the Army Permit D-17506

7573

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23758

PRO	JEC	CT LOCATION INFORMATION:
	State	
	Cou	
		ter coordinates of site (latitude/longitude): 29° 22' 49" N, 94° 47' 52" W
		proximate size of area (parcel) reviewed, including uplands: 18.03 acres.
	Nan	ne of nearest waterway: Galveston Bay
	Nan	ne of watershed: Huc Code: 12040204, West Galveston Bay
		ICTIONAL DETERMINATION
	Con	npleted: Desktop determination
		Site visit(s) Date(s):
	Juri	isdictional Determination (JD):
	П	Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the or "waters of the or "waters").
		United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
		(Reference 33 CFR part 331).
		(Constant of the part of the
	\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).
		Check all that apply:
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within
		the reviewed area. Approximate size of jurisdictional area: 18.03 acres.
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the
		reviewed area. Approximate size of jurisdictional area: 18.03 acres.
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
		Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.
BAS	IS C	OF JURISDICTIONAL DETERMINATION:
		Waters defined under 33 CFR part 329 as "navigable waters of the United States":
		The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
		the past, or may be susceptible for use to transport interstate or foreign commerce.
	В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
		(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
		interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
		(2) The presence of interstate waters including interstate wetlands ¹ .
		(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
		sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
		destruction of which could affect interstate commerce including any such waters (check all that apply):
		(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
		(iii) which are or could be used for industrial purposes by industries in interstate commerce.
		(4) Impoundments of waters otherwise defined as waters of the US.
		(5) The presence of a tributary to a water identified in (1) – (4) above.
		(6) The presence of territorial seas.
		(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is subject to the ebb and flow of the daily tide and is traversed by the Houston ship channel. Therefore it is a navigable water of the United States.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Bolivar, Texas Quadrangle U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: Port Bolivar, Texas Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

BB

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23917

PROJECT LO	CATION INFORMATION:
State:	Texas
County	Polk

Center coordinates of site (latitude/longitude): 30-42-27 / 95-11-16 Approximate size of area (parcel) reviewed, including uplands: 0.05 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 9-6-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.05 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:)
K	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepare	d by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling barice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Cother (explain):	isins, or y land for is 33 CFR
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER: 23918**

PROJECT LOCATION INFORMATION:

State:

Texas

County: Polk

Center coordinates of site (latitude/longitude):

30-42-0.3 / 95-4-13

Approximate size of area (parcel) reviewed, including uplands: 0.06 acres. Name of nearest waterway: Lake Livingston

Name of watershed:

JURISDICTIONAL DETERMINATION

Trinity River

Completed: Desktop determination

Site visit(s)

Date: 9-6-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limits the content of the limits and the limits are content of th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.06 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

I.a	ateral Extent of Jurisdictions (Defenses 22 CFD	FILE NUMBER: 23918
	Acteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 at Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Ø	Mean High Water Mark indicated by: ⊠ survey to available datum; ☐ physical markings; ☐ ve	getation lines/changes in vegetation types.
Bas	Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water f Water-filled depressions created in dry land incidenta the purpose of obtaining fill, sand, or gravel unless an	of 33 CFR part 328.3(a)(3). Collowing waters present on the site are not Waters of the or lagoons, pursuant to 33 CFR part 328.3. In and if the irrigation ceased. Or diking dry land to collect and purposes as stock watering, irrigation, settling basins, or or l ornamental bodies of water created for primarily aesthetic reasons. If to construction activity and pits excavated in dry land for and until the construction or excavation operation is definition of waters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavated on of Other (explain):	
	EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applicat sheets prepared/submitted by or on behalf of the applicat This office concurs with the delineation report, dated This office does not concur with the delineation report, dated at sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey:	olicant. nt. prepared by (company):
S F F F F F F F F F F F F F F F F F F F	National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23929

PRC)JECT	LOCA	TION	INFORM	MATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

29.9137N; 95.5809W

Approximate size of area (parcel) reviewed, including uplands: 28 acres.

Name of nearest waterway: Whiteoak Bayou Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 6 September 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.038.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

I	ateral	Extent of Iunisdiction (D. C			FILE NUMBER: 2392
Ē		Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	329	9)	
Ľ	Ord	linary High Water Mark indicated by:	Hi	igh Tic	de Line indicated by:
		clear, natural line impressed on the bank	ľГ	J oil	or scum line along shore objects
		the presence of litter and debris	F	7 6n	a shall and about days it (6 1
		changes in the character of soil	늗	╡ ''''	e shell or debris deposits (foreshore)
	Ħ	destruction of toward-interest of 5011	Ļ		ysical markings/characteristics
	7	destruction of terrestrial vegetation	L	_ tida	al gages
	\Box	shelving		oth	
		other:	_		
L	Mea	n High Water Mark indicated by:			
	∟ s	survey to available datum; Dphysical markings; vege	atio	n lines	s/changes in vegetation types.
E					
	¥ ***Ct1	land boundaries, as shown on the attached wetland delinea	ion	map a	nd/or in a delineation report prepared by:
Ba	asis For	Not Asserting Jurisdiction:			
	The	reviewed area consists entirely of uplands.			
	Unad	ble to confirm the presence of waters in 33 CFR part 328(a)	(1, 2	2, or 4	-7).
Ē		Iquarters declined to approve jurisdiction on the basis of 33	CF	R part	328.3(a)(3).
	*	Corps has made a case-specific determination that the folloged States:	win	g wate	ers present on the site are not Waters of the
		Waste treatment systems, including treatment ponds or	ago	ons. pi	ursuant to 33 CFR part 328 3
		Attiticially irrigated areas, which would revert to unland	lift	the irri	gation ceased
		Artificial lakes and ponds created by excavating and/or	likir	na dry	land to collect and
		retain water and which are used exclusively for such pur	pose	es as si	tock watering, irrigation, settling basins, or
		rice growing. Artificial reflecting or swimming pools or other small or			
		by excavating and/or diking dry land to retain water for	nam	neman i narily a	podles of water created
		water-illied depressions created in dry land incidental to	cor	nstruct	ion activity and nite excepted in declared con
		the purpose of obtaining fill, sand, or gravel unless and unless a	-4:1	4b	ion activity and pits excavated in dry land for
		availubiled and the resulting body of water meets the def	mui initi	ine co	instruction or excavation operation is waters of the United States found at 33 CFR
		328.3(a).			To and at 35 Of R
	H	Isolated, intrastate wetland with no nexus to interstate co	mm	erce.	
		Prior converted cropland, as determined by the Natural F	eso	urces (Conservation Service. Explain rationale:
	R	Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	land	d. Exp	olain rationale:
		Outer (exprain).			
DATA I	REVIE	WED FOR JURSIDICTIONAL DETERMINATION (1	narl	k all #l	hat apply).
	maps,	plais, plots or plat submitted by or on behalf of the applic	ant.	K all ti	nat appry).
×	Data s	heets prepared/submitted by or on behalf of the applicant			
	⊠ Ti	his office concurs with the delineation report, dated 3 Dece	mhe	er 2002	nrangrad by (sommany). CWO
	☐ Th	his office does not concur with the delineation report, dated		.1 2002	company): SWCA
	Data sl	heets prepared by the Corps.		, pi	repared by (company):
3	Corns'	'navigable waters' studies:			
局	HS G	deological Survey Hydrologic Atlas:			
H	110.0	Section of the sectio			
	U.S. G	eological Survey 7.5 Minute Topographic maps: Satsuma			
. 🕮	U.S. G	eological Survey 7.5 Minute Historic quadrangles:			
	U.S. G	eological Survey 15 Minute Historic quadrangles:			
	USDA	Natural Resources Conservation Service Soil Survey:			
100	Nationa	al wetlands inventory maps:			
Ħ	State/I	ocal wetland inventory maps:			
局	FEMA.	/FIDM mone (Mon Name & D.			
昌	100-22	/FIRM maps (Map Name & Date):			
	Aerial 1	ar Floodplain Elevation is: (NGVD) Photographs (Name & Date):			
	Other n	r notographs (Name & Date): photographs (Date):			
阑	Advanc	ced Identification Wetland maps:			
菌	Site vis	sit/determination conducted on:			
	Applica	able/supporting case law:			
回	Other in	nformation (please specify):			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23932

1	DDA	IFC	TIO	CAT	ION	INIEO	D 3 # A	TION	
ı	PKU		1 1.636	A		INH()	RMA	THON	•

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29.49.45 Long: 95.04.13

Approximate size of area (parcel) reviewed, including uplands: 0.021 acres.

Name of nearest waterway: San Jacinto River Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7 September 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

T.	ateral l	Extent of Junicipations (Defenses 22 CDD			FILE NUMBER: 239
		Extent of Jurisdiction: (Reference: 33 CFR parts 32			
	Ordi	inary High Water Mark indicated by:		High	Tide Line indicated by:
	╚	clear, natural line impressed on the bank	***************************************	ΠĬ	oil or scum line along shore objects
		the presence of litter and debris		Ħ	fine shell or debris deposits (foreshore)
		changes in the character of soil		H	The shell of debtis deposits (foreshore)
	\Box	destruction of terrestrial vegetation		님	physical markings/characteristics
	片			ш	tidal gages
	닏	shelving			other:
		other:		_	
	Man	a Heab Water Made 1			
		High Water Mark indicated by:	,		
		urvey to available datum; physical markings;			
Ľ	Wetl	and boundaries, as shown on the attached wetland do	elineatio	n ma	ap and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction:			
		eviewed area consists entirely of uplands.			
<u>s</u> <u>s</u>	Unab	le to confirm the presence of waters in 33 CFR part	328(a)(1	, 2,	or 4-7).
	Head	quarters declined to approve jurisdiction on the basis	of 33 C	FR	nart 328 3(a)(3)
	*	Corps has made a case-specific determination that the d States:	e follow	ing v	waters present on the site are not Waters of the
		Waste treatment systems, including treatment pond	ds or lac	non	s nursuant to 33 CEP part 229 2
		Artificially liftigated areas, which would revert to i	unland i	f the	irrigation ceased
		Artificial lakes and ponds created by excavating ar	nd/or dil	cing	dry land to collect and
		retain water and which are used exclusively for su	ch purpo	ses	as stock watering, irrigation settling basins or
		rice growing.			
		Artificial reflecting or swimming pools or other sn	nall orna	ımen	ntal bodies of water created
		by excavating and/or diking dry land to retain water	er for pr	imar	rily aesthetic reasons
		water-filled depressions created in dry land incide	ntal to c	onst	miction activity and nits excavated in day land for
		the purpose of obtaining fill, sand, or gravel unless	and uni	il th	e construction or excavation operation is
		availubiled and the resulting body of water meets the	he defin	ition	of waters of the United States found at 33 CED
		328.3(a).			
	\sqcup	Isolated, intrastate wetland with no nexus to interst	tate com	mer	ce.
		Prior converted cropland, as determined by the Nat	tural Res	sour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated of	on dry la	nd	Evaluin rationale:
		Other (explain):	on ary to	uid.	Explain fationale.
DATA F	REVIE	WED FOR JURSIDICTIONAL DETERMINATION	ON (ma	ırk a	all that apply):
	maps,	plans, plots or plat submitted by or on behalf of the a	applican	t.	
	Data si	heets prepared/submitted by or on behalf of the appli	icant.		
	∐ Th	is office concurs with the delineation report, dated	, p	renai	red by (company):
	∐ Th	is office does not concur with the delineation report	dated	· · · ·	
	Data sl	neets prepared by the Corps.	, dated		, prepared by (company):
	Coms'	navigable waters' studies:			
崩	US G	cological Cumum Hard at 1 1 Act			
	U.S. G	eological Survey Hydrologic Atlas:			
	U.S. G	eological Survey 7.5 Minute Topographic maps: Hig	hlands		
M	U.S. G	eological Survey 7.5 Minute Historic quadrangles: H	lighland	S	
	U.S. G	cological Survey 15 Minute Historic quadrangles:	-		
M	USDA	Natural Resources Conservation Service Soil Survey	v. Harric	Co	unts
	Nationa	al wetlands inventory maps:	y . 11ai 113	Col	anty
	State/L	ocal wetland inventory maps:			
M	FEMA/	FIRM maps (Map Name & Date):			
	100-yea	ar Floodplain Elevation is: (NGVD)			
	Aerial I	Photographs (Name & Date):			
	Other p	hotographs (Date):			
	Advanc	ed Identification Wetland maps:			
	Site vis	it/determination conducted on:			
	Applica	ble/supporting case law:			
	Other in	aformation (please specify):			
- 1.111118		(Premos openia).			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 14392(05)1980

1	PR	O	IF	CT	14	α	٠,	T	n	N	IN	FO	D	M A	TI	ON.
J		•	. 1 6 2				. А					rı		VI A		

State:

Texas Galveston

County:

Center coordinates of site (latitude/longitude):

Lat: 29.28.53 Long: 94.56.25

Approximate size of area (parcel) reviewed, including uplands: 0.014 acres.

Name of nearest waterway: Dickinson Bay Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 September 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

La E	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: FILE NUMBER: 14392(05)1980 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 16 Minute Historic quadrangles: J.S. Geological Survey 17.5 Minute Historic quadrangles: J.S. Geological Survey 18 Minute Historic quadrangles: J.S. Geological Survey 19 Minute Historic quadran

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.